

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:)	
)	
Rules and Regulations Implementing the)	CG Docket No. 02-278
Telephone Consumer Protection Act of 1991)	
)	
Request for Clarification filed by Patrick Maupin)	

COMMENTS OF JOHN A. SHAW

These comments are made in response to the Commission’s Public Notice seeking comment on the Request for Clarification filed by Patrick Maupin to this docket.¹ Mr. Maupin requests that the Commission clarify that the Established Business Relationship (EBR) exemption under the “do-not-call” provision of the Telephone Consumer Protection Act of 1991 (TCPA) “does not automatically create an EBR between the automobile purchaser and the third party provider of a radio subscription service, no matter how much the third party incentivizes either the car manufacturer or the dealer.”²

I comment as a telephone consumer only. I have no business relationship with automobile dealers or with companies providing services to automobile purchasers.

I support Mr. Maupin’s request for clarification.

Also, I request that the Commission clarify that in all cases when a consumer purchases goods that include a trial subscription, no EBR is created with the provider of the trial subscription. An example is when the consumer purchases a computer that includes a trial subscription to virus protection or another software service.

The Commission had already addressed this matter in its 2003 Report and Order when it stated “We also disagree with WorldCom that the EBR should extend to marketing partners for

¹ Request for Clarification filed by Patrick Maupin, CG Docket No. 02-278 (filed June 21, 2019) (*Request for Clarification*).

² *Request for Clarification* at 4.

purposes of telemarketing joint offers, to the extent the ‘partner’ companies have no EBR with the consumer.”³ This statement was in response to WorldCom’s ex parte request that the Commission “Extend the EBR to include marketing partners for purposes of telemarketing joint offers.”⁴

I request that the Commission adopt the clarifications described above.

Respectfully submitted,

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July 15, 2019

³ 2003 TCPA Order (FCC 03-153) at para. 118.

⁴ See Notice of Ex Parte Presentation from WorldCom to FCC at 8, filed June 16, 2003, available at: <https://ecfsapi.fcc.gov/file/6514183152.pdf>